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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,531	11/06/2003	Ching-Shun Chang	CHAN3229/EM	8132

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314

EXAMINER

LOPEZ, MICHELLE

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SN

Office Action Summary	Application No. 10/701,531	Applicant(s) CHANG, CHING-SHUN	
	Examiner Michelle Lopez	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed on December 22, 2004.
2. Claims 4 and 8-10 have been canceled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Settle (2,875,731).

Settle discloses a shock-absorbing structure installed in an pneumatic tool having a housing comprising a mounting body via 38; a first fitting hole at the vicinity of 29; a second fitting hole at the vicinity of 34; a receiving hole (not shown numerically) between the first fitting hole and said second fitting hole (see Fig. 1); a first locating portion 29 disposed at a rear side of said first fitting hole; a second locating portion 34 disposed in said second fitting hole; a shock-absorbing socket 21 mounted on the impact unit 11 of said pneumatic tool; a socket body 22 axially movably mounted in said receiving hole inside the housing; a first coupling portion 26 connected to the first locating portion 29 via a first spring coil 31 connected between said first coupling portion 26 and said socket body 22; a second coupling portion 27 connected to the second locating portion 34 of said housing via second spring coil 36 connected between said second coupling portion 27 and said socket body 22; a front cap 32 with a cap body (see Fig. 1); a mounting portion (not shown numerically) transverse to 34 and fitted against

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38; a through hole at the vicinity of 33 axially extended through the cap body for the passing of the impact unit 11 of said pneumatic tool; a stop portion disposed at one side of said cap body at the rear side of 33 and stopped against said second spring coil 36; and the first and second spring coil are independent members respectively fastened to the socket body 22.

With respect to claim 1, Settles does not disclose that the receiving hole is larger than said first fitting hole but smaller than said second fitting hole.

However, it would have been an obvious matter of design choice to have provided Settles' receiving hole being larger than the first fitting hole but smaller than the second fitting hole, since applicant has not disclosed that the size of the receiving hole solves any stated problem, and since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art.

With regards to claim 6, as shown in Fig. 3, when the spring 58 is fully compressed, a stop edge via 59 is inherently adapted to support a protruding edge or flange of a second coupling portion of 53 at the vicinity of the spring 58 for the purpose of providing a shock absorbing socket 53 axially displaced within a pneumatic tool housing.

With respect to claim 7, Settles discloses the invention substantially as claimed except for the first and second spring coils 31,36 being formed integral with said socket body.

However, it would have been an obvious matter of design choice to have provided Settles' invention with the first and second spring coils 31,36 being formed integral with

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said socket body, since applicant has not disclose that providing two spring coils integrally formed with a socket body solves any stated problem or is for any particular purpose and it appears that Settles' invention would perform equally with two spring coils 31,36 as two independent members fastened to the socket body 22 for the purpose of providing axially movement to the socket body by the stretching and compression of the springs in order to provide a vibration or shock absorbing structure for a pneumatic tool.

4. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Settles (2,875,731) in view of Lin (US 6,668,942).

Settles discloses the invention substantially as claimed except for that the first coupling portion 26 and the second coupling portion 27 are fastened to the first and the second locating portions respectively by a thread joint.

However, Lin teaches a first coupling portion 111 and a second coupling portion 112 fastened by a thread joint to a first locating portion at the vicinity of 51 (see Figs. 4-5) and a second locating portion at the vicinity of 30 respectively for the purpose of properly mounting and connecting a damper 10 to a pneumatic tool while providing axial movement of the damper inside the pneumatic tool housing.

In view of Lin, it would have been obvious to one having ordinary skills in the art to have provided Settles' invention with the first coupling portion and the second coupling portion threaded fastened to the first and the second locating portions respectively in order to properly mount and connect the socket body or damper to the pneumatic tool while providing axial movement of the damper inside the pneumatic tool housing.

Response to Arguments

5. Applicant's arguments have been fully considered but they are not deemed persuasive.

Applicant contends that Settles doesn't show fitting holes and receiving holes which are different in diameter size.

However, Examiner contends that that such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art.

6. It should also be noted that although the relative size of the holes were shown in the drawings, this relationship was only added to disclosure in the last amendment. This relationship was added to the specification without any reference to ^{an} ~~a~~ unobvious purpose or function.

7. For the reasons above the ground of rejections are deemed proper.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

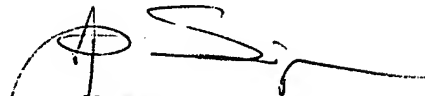
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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Lopez whose telephone number is 571-272-4464. The examiner can normally be reached on Monday - Thursday: 8:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML


JOHN SIPOS
PRIMARY EXAMINER